

## STATEMENT OF CLAIM

## COSTS

**indant(s)**

: NO.

pon the following claim:  
ices xx at  
is Mara Flame  
at 709 Schell  
provided

unt

5.00

5 %

(3)

**PLUS COURT COSTS**

1396

Idado: Por la presente,  
se a la siguiente vista en:

E (Horn)

9:30 AM

the seal of the Court

~~\_\_\_\_\_~~

le contra las quejas que  
ue se senalo. Usted esta  
presencia y una querella  
on, por dinero reclamado,  
perder dinero, propiedad

INCAPACITADOS (AMERICANS  
SER-VICIOS Y FACILIDADES DE  
PERSONAS NO INCAPACITADAS  
ABLES. PARA PODER RADICAR  
EN LA CORTE MUNICIPAL POR  
NABLES DEBE LLAMAR POR LO  
DIAS DESPUES DE RECIBIR SU

in excess of \$2,500.  
tion of such status.

EXHIBIT 4

January 2001  
Billing Summary

Mara Flamm  
708 B  
South Perth Street  
Philadelphia, PA 19147

Jodi H. Brown, MD.  
325 Chestnut Street, Suite 1308  
Philadelphia, PA. 19106  
215-625-9055

1997

Initial Evaluation (99245) \$190: April 14, 1997

Treatment Session (90844) \$140:

April 21

May 5, 12

June 9, 16, 25

July 2, 9, 16, 23, 30

August 6, 18, 20, 27

September 5, 12, 19, 25, 30

Treatment Session (90844) \$85: Discounted Fee

October 8, 9, 14, 15, 16, 21, 22, 23, 28, 29, 30

November 4, 5, 6, 10, 11, 12, 18, 19, 20, 25, 26

December 2, 3, 4, 9, 10

1998

Treatment Session (90844) \$85: Discounted Fee

January 6, 7, 13, 14, 15, 20, 21, 22, 27, 28, 29

February 9, 10, 11, 17, 23, 24, 25

March 2, 3, 4, 9, 23, 31

April 1, 6, 8, 13, 14, 15, 20, 22, 27, 28, 29

May 7, 11

October 5

Balance Due: \$5415

REDACTED PER 5.1.2

EXHIBIT 5

Signature - Plaintiff/Attorney

ALAN K. SILBERSTEIN, PRESIDENT JUDGE

Jodi H. Brown, M.D.  
Constitution Place, Suite 1308  
325 Chestnut Street  
Philadelphia, PA 19106

Plaintiff(s)

MAIRA FLANN  
709 S. SCHELL STREET  
PHILA., PA 19147

ant(s)

COURT COSTS  
\$ 65.50

CODE

PLAINTIFF		DEFENDANT		CASE CONTINUED TO	
<input type="checkbox"/> Appeared	<input type="checkbox"/> Did Not Appear	<input type="checkbox"/> Appeared	<input type="checkbox"/> Did Not Appear	DATE	
<input type="checkbox"/> Represented by: (Name & Atty. No.)	<input type="checkbox"/> Not Represented	<input type="checkbox"/> Represented by: (Name & Atty. No.)	<input type="checkbox"/> Not Represented	ROOM	
				JUDGE	
CASE MUST BE TRIED					
<input type="checkbox"/> Appeared	<input type="checkbox"/> Did Not Appear	<input type="checkbox"/> Appeared	<input type="checkbox"/> Did Not Appear	DATE	
<input type="checkbox"/> Represented by: (Name & Atty. No.)	<input type="checkbox"/> Not Represented	<input type="checkbox"/> Represented by: (Name & Atty. No.)	<input type="checkbox"/> Not Represented	ROOM	
				JUDGE	
TRIAL DISPOSITION					
PLAINTIFF		DEFENDANT			
<input checked="" type="checkbox"/> Appeared	<input type="checkbox"/> Did Not Appear	<input type="checkbox"/> Appeared	<input checked="" type="checkbox"/> Did Not Appear	ATTY NO	
060 <input type="checkbox"/> No Service - Dismissed WITHOUT Prejudice		080 <input type="checkbox"/> Judgment by Agreement (see Remarks)			
061 <input checked="" type="checkbox"/> Judgment for Plaintiff by Default plus interest from plus Time of Judgment 9:50 A.M. P.M.	AMOUNT 6,215.00 COSTS 65.50	081 <input type="checkbox"/> Judgment for Defendant by Default			
062 <input type="checkbox"/> Judgment for Plaintiff plus interest from plus Time of Judgment A.M. P.M.	AMOUNT COSTS	082 <input type="checkbox"/> Withdrawn from Court List without Prejudice (will be relisted upon receipt of letter from either party)			
070 <input type="checkbox"/> Judgment for Defendant		083 <input type="checkbox"/> Withdrawn with Prejudice			
071 <input type="checkbox"/> Judgment for Defendant as Plaintiff in Counterclaim	AMOUNT	084 <input type="checkbox"/> Case Settled, Discontinued, and Ended			
072 <input type="checkbox"/> Judgment for Plaintiff as a Defendant on Counterclaim	AMOUNT	085 <input type="checkbox"/> Case transferred to Common Pleas Court		COURT NO.	
REMARKS Includes 62 to 4/4/01		091 <input type="checkbox"/> Case to be consolidated with S.C. #			
DATE		JUDGE			
COURT RECORD DISPOSITION					

EXHIBIT 6

**SARNER & ASSOCIATES**  
A PROFESSIONAL CORPORATION OF ATTORNEYS AT LAW

LEONARD SARNER  
JOSHUA SARNER\*  
PAUL M. LEWIS\*\*

OF COUNSEL: EDWARD B. SHILS, PH.D., S.J.D.

\* ALSO ADMITTED IN NJ  
\*\* ALSO ADMITTED IN NY

11 PENN CENTER, 29TH FLOOR  
PHILADELPHIA, PA 19103  
TEL: (215) 496-1396  
FAX: (215) 568-1044

13 TANKER STREET  
HADDONFIELD, NJ 08033  
TEL: (856) 616-9393  
FAX: (856) 795-8221

October 18, 2001

Via Certified Mail, RRR

Ms. Mara Flamm  
709 South Schell Street  
Philadelphia, PA 19147

RE: Jodi H. Brown, M.D. vs. Mara Flamm

Dear Ms. Flamm,

Enclosed please find a Notice of Taking Deposition in Aid of Execution in the above-referenced matter.

Sincerely,

JOSH SARNER

JS:lbh-a  
Enclosure  
cc: First Class Mail

2 215 638 739

US Postal Service  
**Receipt for Certified Mail**  
No Insurance Coverage Provided.  
Do not use for International Mail (See reverse)

Sent to	Mara Flamm
Street & Number	709 S. Schell St
Post Office, State, & ZIP Code	Phila PA 19147
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Form 3800, April 1995

SARNER & ASSOCIATES  
By: Joshua Sarnar, Esquire  
I.D. #54463  
11 Penn Center, 29<sup>th</sup> Floor  
Philadelphia, PA 19103  
215-496-1396  
Attorneys for Plaintiff

IN THE PHILADELPHIA MUNICIPAL COURT

JODI H. BROWN, M.D.,

Plaintiff,

v.

MARA FLAMM,

Defendant,

No. SC-01-02-20-1994

NOTICE OF TAKING DEPOSITION IN AID OF EXECUTION

To: Mara Flamm  
C/O Peirce College  
1420 Pine Street  
Philadelphia, PA 19102-4699

Mara Flamm  
709 S. Schell Street  
Philadelphia, PA 19147

PLEASE TAKE NOTICE that, pursuant to Pennsylvania Rule of Civil Procedure 3117, the undersigned will take the deposition upon oral examination of Mara Flamm, before a notary public or other person authorized by law to administer oaths. The deposition will commence on December 5, 2001, at 10:00 a.m., and continue from day to day until completed, unless otherwise adjourned. The testimony will be taken at the offices of Sarnar & Associates, 11 Penn Center - 29<sup>th</sup> Floor, 1835 Market Street, Philadelphia, PA 19103, at which time and place Defendant is directed to appear and bring with him/her the following:

1. All of Defendant's tax returns and supporting schedules (federal, state and local) which were filed, either individually or jointly, for the calendar years 1998 to the present.
2. All passbooks, statements and deposit slips for the preceding twelve (12) months for any savings account, money market account, trust account, IRA accounts, 401(k) account, KEOGH plan, interest bearing account or similar account at any bank, savings institution, credit union or other financial institution held by Defendant, either individually or jointly.
3. All statements, canceled checks, deposit slips and checkbook registers for the preceding twelve (12) months for any checking account held in Defendant's name, either individually or jointly.
4. All stocks, bonds or other securities of any kind whatsoever owned by Defendant, individually or jointly, a list of all securities held by any other persons, brokerage houses or banks for Defendant in trust, by pledge or otherwise; and all statements, invoices and other documents from brokers or brokerage services in connection therewith.
5. Any and all insurance policies or riders thereto, for the years 1998 to the present, which cover the loss of personal property where the Defendant is a named beneficiary.
6. A list of all real estate owned by Defendant, or in which Defendant has or had any interest of any kind whatsoever, or which someone else held for Defendant in trust or otherwise, during the preceding twelve (12) months.
7. Any and all financial statements whether prepared by or for the Defendant during the preceding twenty-four (24) months.
8. Any application for a loan made by the Defendant, either individually or jointly, during the past twenty-four (24) months.



9. All deeds, indentures, bonds, mortgages, title insurance policies, public liability insurance policies, tax bills, leases, and all other documents evidencing any legal or equitable interest in real estate owned by Defendant, or in which he/she has or had within the last twenty four (24) months any interest of any kind whatsoever or which someone else holds for him/her in trust or otherwise.

10. Any and all certificates of deposit, promissory notes, security agreements, mortgages, mechanic's liens, or other evidences of indebtedness of any kind whatsoever owing to Defendant, individually or jointly, or held for Defendant in trust or otherwise.

11. A list of all motor vehicles, mobile homes, or boats owned by Defendant, either individually or jointly.

12. Any and all vehicle registration cards, titles, insurance policies, and all other documents evidencing any legal or equitable interest in any motor vehicles, mobile homes or boats owned by Defendant during the preceding twenty-four (24) months, or in which the Defendant has had any interest of any kind whatsoever or which someone else holds or has held for the Defendant in trust or otherwise.

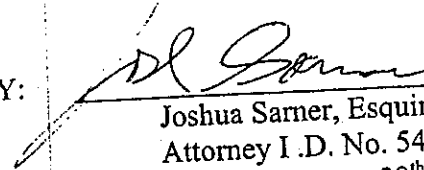
13. All documents reflecting the Defendant's right to receive royalties from any source.

14. The names and locations of all banks or other institutions in which the Defendant rents or rented in the last twenty-four (24) months, a safe deposit box, and the keys thereto.

15. All documents evidencing if the Defendant is a beneficiary of any trust.

SARNER & ASSOCIATES

BY:

  
Joshua Sarner, Esquire  
Attorney I.D. No. 54463  
11 Penn Center - 29<sup>th</sup> Floor  
1835 Market Street  
Philadelphia, PA 19103  
Phone: 215-496-1396  
Fax: 215-568-1044

Dated: 10/19/01

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <b>X C. Hebert</b> <input type="checkbox"/> Agent	
1. Article Addressed to:  <b>More Eleanore Rene College 1420 Pine St Phila PA 19122-4599</b>		B. Received by (Printed Name) <input type="checkbox"/> Addressee  C. Date of Delivery	
2. Article Number <i>(Transfer from service label)</i> <b>2215-638735</b>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, August 2001 Domestic Return Receipt		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

102595-01-M-2509

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARA FLAMM : CIVIL ACTION

vs. :

**ORIGINAL**

SARNER & ASSOCIATES, P.C., :

et al.

NO. 02-4302

January 17, 2005

Oral deposition of JOHN MATUSAVAGE,  
taken pursuant to notice, was held at the Law Offices  
of CHRISTIE, PABARUE, MORTENSEN and YOUNG, P.C, 1880  
John F. Kennedy Boulevard, 10th Floor, Philadelphia,  
Pennsylvania 19103, beginning at 10:00 a.m., on the  
above date, before Joshua Lieberman, a Federally  
Approved Registered Professional Reporter and Notary  
Public in and for the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES

15th Floor

1880 John F. Kennedy Boulevard  
Philadelphia, Pennsylvania 19103

(215) 988-9191

John Matusavage

1 Q. Could you give me an outline of  
2 your employment history.

3 A. No.

4 MR. GRAF: John, yes, you can.

5 A. I have a business where I serve  
6 Complaints and subpoenas. I do investigative  
7 work for law firms.

8 Q. When did that business start?

9 A. I've been doing this for sixteen  
10 years.

11 Q. Prior to the business that you --  
12 what's the name of that business?

13 A. John's Investigative Service.

14 Q. Prior to opening John's  
15 Investigative Service, did you have any  
16 employment where you were serving Complaints or  
17 anything like that?

18 A. No.

19 Q. Did you ever work for the  
20 Philadelphia police force?

21 A. No.

22 Q. Did you ever work for the  
23 Philadelphia sheriff's office?

24 A. No.

John Matusavage

1 Q. How did you learn the craft of  
2 serving Complaints and investigations?

3 A. On the job.

4 Q. On the job after you started your  
5 business?

6 A. Yes.

7 Q. And when you say sixteen years,  
8 is that from today?

9 A. Yes.

10 Q. So you started in around 1979?

11 A. No, 1985, '86, '87, in that  
12 period.

13 Q. That was when you started your  
14 business, '85 or '87?

15 A. Yes.

16 Q. Prior to that, what experience  
17 did you have with subpoenas and investigating?

18 A. None.

19 Q. So you've been doing this more  
20 around ten years, nine years? You gave me a  
21 number of sixteen years. I'm trying to figure  
22 out --

23 A. 1988 through 2004.

24 Q. Where were you employed prior to

John Matusavage

1 1998?

2 A. That's irrelevant.

3 Q. Because it has absolutely nothing  
4 to do with service --

5 A. That's correct.

6 Q. Excuse me, if I can just finish  
7 my question. -- service of process or  
8 investigation?

9 A. That's correct.

10 Q. Did you ever receive training in  
11 the service of legal process?

12 A. No.

13 Q. How did you learn the rules of  
14 process service?

15 A. Through city records over in City  
16 Hall. They have brochures on procedures.

17 Q. In 1988, when you opened John's  
18 Investigative Service, why, if you didn't have  
19 any background in serving subpoenas or doing  
20 investigations, did you decide to open your own  
21 business?

22 A. Because I knew people that did  
23 this before and it's no big problem.

24 Q. Did you ask any of those people--



John Matusavage

1 A. No, I didn't.

2 Q. If I could finish my question,  
3 sir. Did you ask any of those people for  
4 employment?

5 A. No.

6 Q. Why not?

7 A. Because I had a good idea on how  
8 to operate this business.

9 Q. Did you have any issues in  
10 working with other people?

11 A. No.

12 Q. Did you ever hire anybody else to  
13 work in your business with you?

14 A. No.

15 Q. And did you ever apply to work  
16 for a process server or a law firm or anything  
17 like that?

18 A. No.

19 Q. How did you open your own  
20 business?

21 A. Through business procedure,  
22 advertising.

23 Q. Well, did you incorporate your  
24 business?

John Matusavage

1 A. No.

2 Q. Did you ever write a business  
3 plan up?

4 A. No.

5 Q. Did you ever get an  
6 investigator's license in Pennsylvania?

7 A. No.

8 Q. Did you ever get investors to  
9 help you finance things?

10 A. No.

11 Q. Did any law firms, were they  
12 initially associated with you when you opened  
13 your business?

14 A. No.

15 Q. Did you obtain office space for  
16 your business?

17 A. No.

18 Q. Where did your business operate?

19 A. Out of my home.

20 Q. That's the mail address you used?

21 A. Yes.

22 Q. Did you obtain a business phone  
23 line?

24 A. My home phone.

John Matusavage

1 Q. And you used your home phone to  
2 contact customers?

3 A. Yes.

4 Q. And they would contact you there?

5 A. Yes.

6 Q. Did you ever open a separate bank  
7 account for the business?

8 A. No.

9 Q. Did you ever attempt to apply for  
10 a credit card for the business?

11 A. No.

12 Q. Did you ever apply for a line of  
13 credit for the business?

14 A. No.

15 Q. Do you know the start-up expenses  
16 you incurred or continuing expenses for the  
17 business?

18 A. Basically my own travel expenses.

19 Q. You mentioned advertising. What  
20 kind of advertising did you do?

21 A. My business letters.

22 Q. These letters you composed  
23 yourself?

24 A. Yes, sir.

John Matusavage

1 Q. And how did you distribute them?  
2 A. Delivery, hand-delivered.  
3 Q. You hand-delivered them?  
4 A. Yes.  
5 Q. You didn't send them through the  
6 mail?  
7 A. No.  
8 Q. Where did you get the list or how  
9 did you determine who you would deliver them to?  
10 A. Through the legal directory.  
11 Q. Did you ever join any  
12 professional associations that dealt with process  
13 service or investigation?  
14 A. No.  
15 Q. You paid for your own office  
16 supplies and things?  
17 A. Yes.  
18 Q. You obtained a business license  
19 for Philadelphia?  
20 A. No.  
21 MR. GRAF: Is that a yes or no?  
22 THE WITNESS: No.  
23 BY MR. McDEVITT:  
24 Q. Did you ever buy a copy or a form

John Matusavage

1 book for anything?

2 A. No.

3 Q. How did you get business forms  
4 for invoices or process service and things?

5 A. I had my own.

6 Q. Well, where did you get them?

7 A. I made them up.

8 Q. Did you ever have business cards  
9 printed?

10 A. No.

11 Q. Did you purchase a computer and a  
12 printer?

13 A. No.

14 Q. You did it all with the  
15 typewriter?

16 A. Handwritten and typed. Some  
17 typing, yes.

18 Q. Did you obtain Internet access  
19 for your business?

20 A. No.

21 Q. In terms of the office supplies  
22 and the business letters, where did you get the  
23 money for these?

24 A. Excuse me?

John Matusavage

1 Q. How did you pay for the business  
2 letters and the office supplies that you might  
3 use?

4 A. I bought them.

5 MR. GRAF: He wants to know  
6 whether they came out of your funds or  
7 some law firm's funds.

8 THE WITNESS: Out of my funds.

9 BY MR. McDEVITT:

10 Q. Did you obtain a separate car for  
11 the business?

12 A. No.

13 Q. Did you place your car into the  
14 name of the business?

15 A. No.

16 Q. When you talked about travel  
17 expenses, is that generally gas and upkeep of the  
18 car?

19 A. Train fare.

20 Q. Would you usually use the train  
21 more than --

22 A. Yes.

23 Q. -- using your own car?

24 A. Yes.

John Matusavage

1 Q. Now, where did you work primarily  
2 come from, just attorneys or --

3 A. Attorneys.

4 Q. Other than attorneys, did you  
5 also get any work from either court reporters or  
6 other process servers?

7 A. No.

8 Q. Did you ever associate yourself  
9 with any process serving networks like Server  
10 Links.com or Process Service?

11 A. No.

12 Q. Did you ever obtain work from  
13 other investigators?

14 A. No.

15 Q. You said that you had friends who  
16 did this kind of work. Did you ever do overflow  
17 for them?

18 A. No.

19 Q. Did you ever do any mail  
20 advertising?

21 A. No.

22 Q. Anything in the newspapers?

23 A. No.

24 Q. Any Internet advertising?

John Matusavage

1 A. No.

2 Q. I assume nothing on the T.V. or  
3 the radio?

4 A. That's correct.

5 Q. Did you get referrals from  
6 clients or friends?

7 A. Some attorneys that I did work  
8 for would tell other attorneys and they would  
9 call.

10 Q. How did you set up your fee  
11 structure, was it a flat fee or an hourly fee?

12 A. Flat fee.

13 Q. And did you determine what that  
14 would be by talking to your friends in the area?

15 A. No.

16 Q. How did you determine what fees--

17 A. I made that determination.

18 Q. What information did you base  
19 that on?

20 A. On time.

21 Q. Do you know how many law firms  
22 you might have been doing work for at any given  
23 time between 1988 and 2004? It's 2005 now. You  
24 still do this business, correct?



John Matusavage

1 A. Yes.

2 Q. So between 1988 and 2005, how  
3 many law firms were you typically doing business  
4 for?

5 A. Approximately, a guesstimate,  
6 about 250.

7 Q. Now, that's the total number from  
8 '88 to 2004?

9 A. Yes.

10 Q. At any one time, how many law  
11 firms might you be doing process service work  
12 for?

13 A. It was on an everyday -- if they  
14 needed me, they called me.

15 Q. When a law firm would call you,  
16 was it mostly process service or some  
17 investigation?

18 A. It's a combination of everything.

19 Q. What services would you do, if  
20 you could just list them for me?

21 A. Basically serving Complaints and  
22 subpoenas.

23 Q. What about investigation?

24 A. On occasion I did that.

John Matusavage

1 Q. Would you say that the majority  
2 of your work was serving Complaints?

3 A. Yes.

4 Q. How do you know whether you were  
5 serving a Complaint or a subpoena?

6 A. I didn't know what it was because  
7 basically everything was in an envelope with the  
8 person's name on it, on the envelope, and where  
9 they resided. What was inside the envelope, I  
10 wouldn't know.

11 Q. Did you usually -- what sort of  
12 information would you get from your clients about  
13 doing the service?

14 A. Just name, address and location,  
15 and sometimes hours of employment, what time they  
16 work. So this way, why waste time?

17 Q. Did people generally talk to you  
18 about what the case was about?

19 A. No.

20 Q. Now, when they would call you,  
21 you would go to their office and get an envelope?

22 A. Yes.

23 Q. You were usually travelling by  
24 train?

John Matusavage

1 A. Yes.

2 Q. Did any of these law firms  
3 provide you with office space?

4 A. No.

5 Q. Anybody give you a secretary?

6 A. No.

7 Q. Were you salaried by any of these  
8 law firms?

9 A. No.

10 Q. Did you receive any benefits or  
11 pensions?

12 A. No.

13 Q. Did any of these attorneys  
14 provide you with train fare?

15 A. No.

16 Q. Was the travel expense built into  
17 the flat fee?

18 A. Yes.

19 Q. Did any of the attorneys tell you  
20 how to effect the service?

21 A. No.

22 Q. Did an attorney ever tell you if  
23 the person isn't there, you have to find someone  
24 who runs the office and then you can leave the

John Matusavage

1 MR. GRAF: I'm not so sure you  
2 answered that question specifically.  
3 Could you read it back.

4 (Whereupon the court reporter  
5 read back the last question as follows:)

6 "Question: Are there times when  
7 you can serve somebody other than the  
8 person who's listed on the envelope  
9 where you can exercise discretion?"

10 MR. GRAF: It's yes or no.

11 THE WITNESS: Yes. Other than the  
12 person on the envelope, yes, you use  
13 discretion. If they're in a meeting,  
14 you have the supervisor.

15 BY MR. McDEVITT:

16 Q. Did any of the attorneys you've  
17 ever served process or Complaints for instruct  
18 you to scare or intimidate the person who's  
19 listed on the envelope?

20 A. I don't do work for attorneys  
21 that handle that type of, carry that attitude.  
22 If they want to intimidate somebody, they'll do  
23 it. I'm not going to be their paid goon. I  
24 handle everything on my own.

John Matusavage

1 Q. So if somebody ever asked you to  
2 do that, you would tell them to take a hike?

3 A. No. I would tell them get  
4 somebody else that wants to do that, because  
5 that's not the way to handle things. I don't  
6 handle things like that.

7 Q. Do any of the attorneys you work  
8 for give you business cards printed with your  
9 name on them?

10 A. No.

11 Q. Have you ever taken a card from  
12 an attorney, written your name on it and handed  
13 it to someone you were serving process to?

14 A. No.

15 Q. Within the last seven years, have  
16 you ever been convicted of a crime?

17 A. What does that have to do with  
18 this?

19 MR. GRAF: That's a relevant  
20 question.

21 A. No.

22 Q. Have you ever been sued in a  
23 civil suit?

24 A. Other than this one?

John Matusavage

1 Q. Other than this one, sir.

2 A. No.

3 Q. Do you know the firm Sarner &  
4 Associates?

5 A. Yes.

6 Q. How do you know that firm?

7 A. Joshua Sarner called me one day  
8 on the phone and left a message that he needed a  
9 subpoena, a Complaint on something served.

10 Q. Do you know how he got your  
11 number?

12 A. Through my business letter.

13 Q. Could you describe Joshua Sarner  
14 for me.

15 A. He's a white male, 30, 35, 5-10,  
16 black hair, medium build, maybe 160, 165 pounds.  
17 That's it.

18 Q. When he called you, did you speak  
19 on the phone or did you just go down to his  
20 office?

21 A. I stopped by his office the next  
22 morning because the call was in on my tape  
23 machine.

24 Q. Was there anybody else in the

John Matusavage

1 office that morning?

2 A. No.

3 Q. What do you recall about that  
4 first contact with Josh Sarner?

5 A. He wanted a document served to a  
6 Professor Mara Flamm.

7 Q. Do you remember what he told you  
8 about Professor Flamm?

9 A. He never said anything about  
10 Professor Flamm.

11 Q. Do you remember where his office  
12 was?

13 A. 1835 Market or JFK; I just forget  
14 where.

15 Q. Do you know how long you spoke  
16 with him that first time?

17 A. Five minutes, at the most.

18 Q. Do you remember if he asked you  
19 to do anything before the service of the process?

20 A. No.

21 Q. Do you remember how many times  
22 total, I'm going to go down to some specifics,  
23 but how many times overall you ever did work for  
24 Sarner & Associates?

John Matusavage

1 A. Once.

2 Q. When you say "once," do you mean  
3 once --

4 A. When he called me; Mara Flamm.

5 Q. But did you deliver only one  
6 thing to Mara Flamm?

7 A. Yes. I was there twice.

8 Q. Let me see if any of this jogs  
9 your memory.

10 MR. McDEVITT: Let's mark this as  
11 M-1.

12 (Whereupon a bill entitled  
13 John's Subpoena Service in the amount  
14 of \$100 was marked as M-1)

15 (Whereupon M-1 was  
16 handed to the witness to peruse)

17 BY MR. McDEVITT:

18 Q. Now, Mr. Matusavage, I've handed  
19 you a document that was originally marked as  
20 Sarner 206. Have you ever seen this document  
21 before?

22 A. It's my handwriting, yes.

23 Q. Is that your type face at the top  
24 for John's Subpoena Service?



John Matusavage

1 A. I believe they weren't, no.

2 Q. And at the time you received this  
3 check, do you know how many other attorneys you  
4 were doing work for in September of 2001?

5 A. No.

6 Q. But you were doing work for many  
7 other attorneys at that time?

8 A. It all depends on where they  
9 called. It all depends.

10 Q. Was Sarner & Associates your  
11 exclusive client in September, 2001?

12 A. No.

13 Q. Did Sarner & Associates or did  
14 Josh Sarner ever ask you how many other clients  
15 you had?

16 A. No.

17 Q. And you answered this generally  
18 about other attorneys, but I'm going to ask about  
19 Sarner & Associates. Did Sarner & Associates  
20 ever give you an office?

21 A. No.

22 Q. Did they ever give you health  
23 insurance?

24 A. No.

John Matusavage

1 Q. Did they ever give you a pension  
2 plan?

3 A. No.

4 Q. Did Sarner & Associates ever  
5 allow you to pay into a 401K plan?

6 A. No.

7 Q. Did you ever ask Sarner &  
8 Associates for any of these things?

9 A. No.

10 Q. Why didn't you?

11 A. Because I have nothing to do with  
12 Sarner & Associates. I'm not an employee of  
13 them. I have no business dealings with them  
14 other than he called me. I did what he needed to  
15 have done and that was it.

16 Q. When you were doing your  
17 investigation of Mara Flamm, did you learn  
18 anything about her marital status?

19 A. No.

20 Q. Let me see if we can go back a  
21 second.

22 Mr. Sarner originally called you  
23 to serve a document on Mara Flamm. You  
24 couldn't effect service and then you

John Matusavage

1 statements about Miss Flamm?

2 A. No.

3 Q. Do you recall whether or not --  
4 withdraw the question.

5 Did you tell Miss Rutling that  
6 Miss Flamm was a dirty little thief?

7 A. No.

8 Q. What do you recall about what  
9 Miss Rutling looked like?

10 A. 5-2, maybe black hair, medium  
11 build, 110 pounds. The weight of a woman is  
12 tough to guess. Between 110 and 20 pounds.

13 The conversation only lasted  
14 forty-five seconds and I was gone.

15 Q. Do you recall how she was  
16 dressed?

17 A. She had a checkered dress on, I  
18 believe, or a skirt and blouse. I don't recall.  
19 I'll have to check. I believe she had a skirt  
20 and blouse on. I'm not sure, really.

21 Q. Latino?

22 A. Black female.

23 Q. Prior to service on the 24th of  
24 January, you had a conversation with Mr. Sarner.

John Matusavage

1 Did he call you and say. "I've got something  
2 else to deliver"?

3 A. This is the same one, the same  
4 Complaint.

5 Q. Did you receive the Complaint in  
6 an envelope?

7 A. It was in a sealed envelope,  
8 that's correct.

9 Q. How did you know that it was the  
10 same one as the one in October?

11 A. Because I had possession of it  
12 from day one.

13 Q. Okay. I'm confused then.

14 A. There is no confusion. The first  
15 time he gave me the subpoena and Complaint, I  
16 went to the address on Percy Street. It was a  
17 bad address. I retained possession of that  
18 document in the envelope and I held it until  
19 January and I served it with Miss Flamm, Miss  
20 Mara Flamm for Perkins or Rutling.

21 Q. What did you serve on October  
22 26th on Miss Perkins?

23 A. The same thing.

24 Q. Did Mr. Sarner originally give

John Matusavage

1 you two copies of this in envelopes?

2 A. One copy. Apparently I believe  
3 it may have came back.

4 Q. How did you know it came back?

5 A. I don't.

6 Q. So how did you know when you had  
7 the document in January that you had the same  
8 envelope that you had left with Miss Perkins in  
9 October?

10 A. Because, if I recall, I think  
11 Josh may have called me, "Come pick it up because  
12 they sent it back." And that's the same document  
13 that I had taken originally to serve, and then on  
14 January 24th I served it again or whatever the  
15 date, yes, January 24th.

16 Q. I don't have a document to jog  
17 your memory.

18 A. I wouldn't have any idea what  
19 that document looks like.

20 Q. Well, I'm just going to give you  
21 a hypothetical. Is it possible that Mr. Sarner  
22 said that he attempted to mail a document to Miss  
23 Flamm; he received the document back?

24 A. I have no idea, no. I don't know.

John Matusavage

1 Q. So as far as you knew, the  
2 envelope that you got to deliver in January of  
3 2002 was the same one you had delivered in  
4 October?

5 A. That's correct.

6 Q. And you have no knowledge of  
7 whether anything inside the envelope had changed  
8 between October and January?

9 A. I have no knowledge of what was  
10 inside that envelope.

11 Q. Do you recall whether the  
12 envelope looked like it was worn or beaten up?

13 A. No.

14 Q. Do you recall whether it looked  
15 like a new envelope?

16 A. It was a white envelope, a  
17 business envelop.

18 Q. But did it have scuffs or marks?

19 A. Not that I recall, no.

20 Q. When Josh called you up and said  
21 the document came back, how much of a  
22 conversation did you have with Josh at that time?

23 A. Okay. I said, "I'll pick it up  
24 and I'll try it again."

John Matusavage

1 Q. When you went over to Josh to  
2 pick this up, did you talk about Miss Flamm?

3 A. No.

4 Q. When you were talking with Josh  
5 that time, did he refer to Miss Flamm as a thief  
6 or a dirty little thief?

7 A. Not to my knowledge.

8 Q. Did he provide you with any  
9 additional instructions about how to get this  
10 served in such a way that it wouldn't come back?

11 A. No.

12 Q. Now, did Mr. Sarner tell you to  
13 be rude or threatening?

14 A. No.

15 Q. Did Mr. Sarner tell you to talk  
16 to Miss Flamm's supervisors about the case?

17 A. No.

18 Q. Did Mr. Sarner tell you to call  
19 Miss Flamm names?

20 A. No.

21 Q. Did Mr. Sarner tell you to  
22 intimidate Miss Flamm?

23 A. No.

24 Q. And if he had told you these

John Matusavage

1 things, you wouldn't have taken the job?

2 A. That's correct.

3 Q. When Mr. Sarner gave you this  
4 envelope back to try to deliver again, did he  
5 instruct you about how to dress when you went  
6 over there?

7 A. No.

8 Q. Did he tell you whether you had  
9 to walk or take a cab?

10 A. No.

11 Q. Did he tell you when he had to  
12 have this return of service back?

13 A. No.

14 Q. Did he tell you how to invoice  
15 the case?

16 A. No.

17 Q. In January of 2002, was Sarner &  
18 Associates your exclusive client?

19 A. No.

20 Q. You had other attorneys you were  
21 doing work for?

22 A. That's correct.

23 Q. Do you recall how much you  
24 charged for that service?



John Matusavage

1 Q. Mr. Matusavage, I've handed you a  
2 document we've marked today as M-10, which is  
3 originally produced as Sarner 21. It is a  
4 January 28, 2002, letter from Robert Brand to  
5 Joshua Sarner. Have you ever seen this document  
6 before, sir.

7 MR. GRAF: Is there a copy line  
8 that perhaps is on another page?

9 MR. McDEVITT: I'm not aware of  
10 one, no.

11 THE WITNESS: No.

12 BY MR. McDEVITT:

13 Q. Do you recall every -- well, let  
14 me withdraw that.

15 When you spoke with Carmita  
16 Rutling on January 24, 2002, you didn't  
17 tell Miss Rutling that Miss Flamm owed  
18 six thousand dollars to a doctor?

19 A. No, I did not.

20 Q. When you spoke with Miss Rutling,  
21 you didn't tell Miss Rutling that Miss Flamm had  
22 been giving different names or addresses to  
23 people?

24 A. No, I did not.

John Matusavage

1 Q. You did not yell at Miss Rutling?

2 A. No, I did not.

3 Q. You did not tell Miss Rutling  
4 that a sheriff would come and arrest Miss Flamm?

5 A. No, I did not.

6 Q. And you did not call Miss Flamm a  
7 sneaky little thief?

8 A. No, I did not.

9 Q. Do you recall completing request  
10 for admissions in this action?

11 A. No.

12 Q. I've got to give you this, too,  
13 because there's questions and there's answers.  
14 So let's label the request for admissions as M-11  
15 and label the responses as M-12.

16 (Whereupon a document entitled  
17 Attorney Defendants' First Set Of Combined  
18 Request For Admissions, Interrogatories And  
19 Request For Production Directed To Defendant,  
20 John Matusavage was marked as M-11)

21 (Whereupon a document entitled  
22 Defendant, John Matusavage's Answers To  
23 The First Set Of Combined Requests For  
24 Admissions, Interrogatories And Request Of

Esquire Deposition Services

John Matusavage

1 Investigative Service; is that correct?

2 A. That's correct.

3 Q. And in reviewing several of the  
4 invoices, including M-1, I noticed on top it says  
5 John's Subpoena Service. Is John's Subpoena  
6 Service and John's Investigative Service the same  
7 thing, the same company?

8 A. One and the same, yes.

9 Q. And does it matter? I mean, do  
10 you represent yourself that there's a difference?  
11 Is the investigative service business any  
12 different from the subpoena service business?

13 A. I do both.

14 Q. Do you need a license to serve  
15 process in Philadelphia County?

16 A. Not to my knowledge, no.

17 Q. Do you know whether or not you  
18 need a license to serve process in the any of the  
19 surrounding counties, including Bucks, Delaware,  
20 Montgomery or Chester County?

21 A. I'm not certain.

22 Q. Do you need any formal training  
23 or certifications to serve process?

24 A. No.

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